



## **BUREAU OF AUTOMOTIVE REPAIR**

### **Advisory Group Meeting**

**July 12, 2004**



### **MEETING MINUTES**

- **Advisory Group members in attendance:**

Lou Anapolsky  
George Hritz  
Rosemary Shahan  
Randy Ward

Dennis DeCota  
Marty Keller  
Peter Welch  
Jennifer Zins

Jeanette Gayer  
Jack Molodanof  
Chris Walker  
Paul Frech

- **BAR staff in attendance:**

Richard Ross  
Mike Vanderlaan  
Debbie Romani  
Jon Bilotta

James Goldstene  
Allen Wood  
Cindy Wymore  
George Adelsperger

Richard Mundy  
Jim Allen  
David Amlin  
Wayne Brumett

- ◆ **Welcoming Remarks:**

Richard Ross, the newly appointed BAR Chief, called the meeting to order at 9:35 a.m.

Chief Ross described his background with the FBI, the Department of Insurance and, most recently, the Governor's California Performance Review. He explained his thoughts on BAR's role and his philosophy about consumers and the automotive repair industry. He believes most everyone just would like fairness. People in business have the right to expect it and consumers have the right to expect it. And we all are consumers. People who invest in business have an expectation of competing on a level playing field; that some do not get special treatment or status. Also the consumer is entitled to expect fairness and honesty in their dealing with business. In response to a question, Chief Ross discussed the difference between investigating and prosecuting and that there is a separation that causes due process to work.

- ◆ **Consumer and Industry Outreach Update:**

Cindy Wymore, BAR Director of Communication, discussed her position with BAR and offered to work with industry on any communication issues.

Chief Ross commented on the importance of communication and the importance of having Ms. Wymore "on board."

- **Arrival of the Director and Chief Deputy Director:**

Chief Ross introduced DCA Director Charlene Zettel and Chief Deputy Director Sherry Mehl, welcomed them, and thanked them for the opportunity to serve as Chief of the Bureau of Automotive Repair.

- ◆ **Update of the “Advisory Notice” Pilot Program:**

Deputy Chief Rich Mundy provided an update on the Pilot Advisory Notice Program, saying that 50 written notices had been issued so far, while 300 verbal notices have been given. He explained that the Advisory Notices are being used for consumer complaints only, not station inspections.

Deputy Chiefs Mundy and Goldstene explained that it was decided at the last meeting that we didn't want to force written notices on ARDs because reservations were noted from the audience at the workshops about creating a public record. Verbal notices are noted on the investigative reports and don't produce a written public document. A survey form provided with the Advisory Notice should provide feedback on the Advisory Notice. Deputy Chief Mundy stated that just because the written notice is optional during the pilot doesn't mean it will continue to be optional in a later program or process.

Chief Ross commented that the pilot is doing what it should and that BAR will provide preliminary statistics on the pilot to the BAG at the next meeting.

- ◆ **Initial Discussion of General Automotive Repair Technician Licensing:**

Deputy Chief Goldstene discussed the pros and cons of licensing individual automotive repair technicians. He explained that this is just a preliminary discussion to ascertain the views of the industry and consumers.

Discussion followed during which the following issues and topics were raised:

- Should there be a laws and regulations test for general automotive repair technicians?
- Employee responsibility; licensing and accountability.
- How well does Smog Check technician licensing work? What are the pros and cons?
- Do the issues surrounding general auto repair warrant licensure?
- How would licensure affect the current and projected technician shortages? Could licensing make the problem worse?
- Smog Check is about a specific step-by-step test and repair process. General auto repair is so vast it's difficult to assess the core knowledge and skills.
- Most consumer complaints are about competency issues.

- Should California consider requiring ASE certification to work in specific areas? Look to standards on how it should be done.
- Look to Michigan and Hawaii for examples of technician licensing programs.
- Consider registration as opposed to licensing.
- Need recognized minimum standards if specialty licensing were used.
- What is the role of government in developing occupation candidates?
- Do shops and State have different roles in insuring competency?
- BAR's job is to protect consumers and enforce laws.
- Need to increase the competency.

Chief Ross ended the discussion by asking that a working committee of BAR Advisory Group members be formed to study the issue of increasing the general automotive technician candidate pool. He asked that group members who wished to volunteer for this committee submit their names to him, by e-mail, no later than July 30<sup>th</sup>. He stated that he would then get back to the volunteers within a month.\*

\*The Committee volunteers are:

Andrew Pollino - Pro Care Automotive  
Jennifer Zins - Automotive Service Councils of California  
Dennis DeCota - California Service Station & Automotive Repair Association  
Christopher Walker - Nossaman, Guthner, Knox, Elliott, LLP  
Marty Keller - Automotive Repair Coalition  
George Hritz - Automotive Tech. Career Education  
Louis Anapolsky - Knox, Lemmon & Anapolsky, LLP

#### ◆ **Legislation Update:**

Deputy Chief Goldstene discussed several measures including the following bills:

- SB 1542 (Figueroa) BAR Sunset Review/Administration and Enforcement Monitor
- AB 541 (Benoit & Runner) Test-Only Stations; fuel injection/engine flush; technician qualifications
- AB 1839 (Montanez) Motor vehicle sale contracts; cooling off period; certified used cars
- AB 2128 (Jackson) Smog Abatement fees; funding of vehicle retirement under CAP
- AB 2596 (Liu) Public Schools; courses of study; career technical education

- AB 2683 (Lieber) Ends the 30-year rolling exemption; would exempt 1975 model-year and older vehicles

Questions were taken and responded to.

There was also discussion of the Governor's recently announced "Moyer" proposal to exempt newer vehicles up to the first six model-years, double the annual smog abatement fee, and exempt the first 4 model-year vehicles from change of ownership smog checks.

- ◆ **Lunch Break – 12:13 to 1:40 p.m.**
- ◆ **Discussion of Smog Check "Fast Pass"**

David Amlin explained the "fast pass" issue and stated that it may become necessary to turn off this feature in the analyzer software, at least temporarily, in order to gather complete and reliable data on emissions reductions in order to demonstrate the effectiveness of the program. Questions were taken and responded to. Mr. Amlin states that stations would receive advance notice before any change is made.

- ◆ **Presentation – BAR's New 2005 Update Training Course for Smog Check Technicians**

Wayne Brumett made a presentation on the newly developed update training course for smog check technicians scheduled for implementation in 2005. Handouts were provided and questions were taken and responded to.

- ◆ **Regulatory Actions Update:**

Jim Allen reported on regulatory actions stating that Executive Order S-2-03 has resulted in a reevaluation of all regulatory proposals. He also mentioned that the proposal to redesign and replace the official ARD sign is being changed to provide for the use of a sticker or attachment that would include the BAR Web site address as an option to the replacement of existing signs. SB 1542 would require BAR to redesign the existing ARD sign to include the Web site address. Questions were taken and responded to.

- ◆ **Public Comment on Matters Not on the Agenda:**

Several individuals from the audience had comments and questions about the referral of vehicles to test-only stations and the federal requirement, or lack thereof, to even have test-only stations.

- ◆ **Confirmation of, and Agenda Items for, Future Meetings:**

The following issues were suggested for future agenda items:

- How Complaints are Handled
- General Automotive Repair Technician Shortage

- Safety Inspections
- Voluntary Vehicle Retirement/Scrappage
- Industry Trade Standards
- Enforcement of 16 CCR § 3372.1 – Price Advertising
- Diversity of BAR Advisory Group v. Industry?
- Conservation of Energy Through Proper Repairs (gas mileage)
- Responsibility of Employers for the Actions of Their Employees
- Report from the Industry Ombudsman

◆ **Announcements:**

None.

◆ **Adjournment:**

Chief Ross thanked the Advisory Group members and the public for attending and participating in the meeting. The meeting was adjourned at 3:40 p.m.